

**BOARD OF REAL ESTATE APPRAISERS
BOARD MEETING MINUTES – July 12, 2005**

MEMBERS PRESENT

Kenneth Charest
Bruce Bell
Walter Bowditch
Joseph Herlihy
James Murphy
Theodore Webersinn

MEMBERS ABSENT

OTHERS PRESENT

Carol Leighton, Administrator
Andrew Black, A.A.G.
Kim Baker-Stetson, Licensing Clerk
Susan Greenlaw, Board Clerk

Location: Kennebec Room **Start:** 9:05 a.m. **Adjourn:** 3:15 p.m.

CALL TO ORDER

The meeting was called to order at 9:05 a.m.

AGENDA MODIFICATIONS

Members agreed to move item A under New Business to the end of the agenda and to move item D under New Business to the beginning of the agenda.

OLD BUSINESS

Action on Minutes of June 7, 2005 Meeting

A motion was made by Walter Bowditch to approve the minutes of the June 7, 2005 meeting as written; seconded by James Murphy. Unanimous.

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Action on Tabled Applications/Items

NAME	APPLYING TO	ACTION
APPLICANT #1	TO SIT FOR AP EXAM TO UPGRADE TO LICENSED APPRAISER MIN 90 QE BAL MET? = YES MIN 24 MONTHS EXP MET? = YES, FIRST LIC 07/16/2003 MIN 2000 EXP HRS MET? = HOURS REPORTED SEEM EXCESSIVE	JULY 12, 2005 – APPROVED. MOTION – WEBERSINN SECOND - MURPHY JULY 7, 2005 – APPRAISALS REC'D JUNE 8, 2005 – SENT LTR RQSTING 2 COPIES OF 2 APPRAISALS JUNE 7, 2005 – REQUEST BD REVIEW OF WK HOURS REPORTED AND LETTER SUBMITTED BY LICENSEE
APPLICANT #2	TRAINEE LICENSEE WHO NEGLECTED TO DISCLOSE CONVICTION ON APPLICATION	JULY 12, 2005 JUNE 21, 2005 – CA SENT TO LICENSEE JUNE 7, 2005 – BD VOTED TO OFFER A CONSENT AGREEMENT (DENNIS TO WRITE UP)

NEW BUSINESS

Revised Decision & Order – Aaron Adler (#REA-195)

Assistant Attorney General Kate Silsby presented a request to amend the Decision & Order. A motion was made by Theodore Webersinn to accept the amendments and authorize the Chair to sign the amended Decision & Order; seconded by James Murphy. Bell, Charest, Murphy, and Webersinn voted in the affirmative; none opposed; Bowditch and Herlihy abstained. Motion carried.

Administrator's Report

As requested at the last meeting, Carol Leighton prepared and presented a summary of complaints for the years 2000-2005.

Meeting with the Appraisal Foundation: Meeting was confirmed for September 13, 2005 at 9:00 a.m.

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Hearing – Robert Mersereau (license denial)

The Chair opened the hearing in the matter of Robert Mersereau. Mr. Mersereau was present and not represented by an attorney. Assistant Attorney General Andrew Black attended as counsel for the Board. Kenneth Charest, Board Chair, acted as Hearing Officer. Public deliberations were conducted at the close of the hearing. A motion was made by Joseph Herlihy to accept the withdrawal of Mr. Mersereau's request for reconsideration and requested that he submit a new application; seconded by Theodore Webersinn. Unanimous.

A motion was made by Bruce Bell to uphold the denial of Mr. Mersereau's application to sit for the certified residential examination; seconded by James Murphy. Unanimous.

Complaint Officer's Report

#REA-225: Motion by Bruce Bell to find grounds for violations of 32 M.R.S.A. §14014(1)(G)(I)(J), USPAP Ethics, USPAP Competency Rule, and Standard Rules 1-1(a), 1-1(b), 1-1(c), 1-2(e), 1-2(f), 1-3(a), 1-3(b), 1-4(a), 1-4(b), 1-4(c), 1-4(d), 1-4(e), 1-4(g), 1-5(a), 1-6(a), 2-1(a), 2-1(b), 2-1(c), 2-2(b)(iii)(iv)(vii)(ix)(x)(xi), 2-2(c)(iii)(iv)(v)(vii)(ix)(x)(xi); seconded by James Murphy. Bell, Charest, Herlihy, Murphy, and Webersinn voted in the affirmative; none opposed; Bowditch abstained. Motion carried.

#REA-226: A motion was made by Joseph Herlihy to find grounds for violations of 32 M.R.S.A. 14014(1)(G)(I)(J), USPAP Ethics, USPAP Competency Rule, and Standard Rules 1-1(a), 1-1(b), 1-1(c), 1-2(e), 1-2(f), 1-3(a), 1-3(b), 1-4(a), 1-4(b), 1-4(c), 1-4(d), 1-4(e), 1-4(g), 1-5(a), 1-6(a), 2-1(a), 2-1(b), 2-1(c), 2-2(b)(iii)(iv)(vii)(ix)(x)(xi), 2-2(c)(iii)(iv)(v)(vii)(ix)(x)(xi); seconded by James Murphy. Bell, Charest, Herlihy, Murphy, and Webersinn voted in the affirmative; none opposed; Bowditch abstained. Motion carried.

#REA-225/226: A motion was made by Theodore Webersinn to offer each licensee a Consent Agreement to include the following: (1) 1 year license suspension; (2) Completion of all applicable qualification education including USPAP with exam; and (3) \$7500 fine payable within 30 days; seconded by Joseph Herlihy. Herlihy, Murphy, and Webersinn voted in the affirmative; Bell and Charest opposed; Bowditch abstained. Motion carried.

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A motion was made by Joseph Herlihy to offer each licensee a Consent Agreement to include the following: (1) 1 year license suspension; (2) Completion of all applicable qualification education including USPAP with exam to be completed before the license expiration of 12/31/2006, such education can not be used for continuing education purposes; (3) \$7500 fine payable within 30 days of signing the Agreement; OR (4) Agree to permanent revocation of licenses; seconded by James Murphy. No one voted in the affirmative; Bell, Charest, Herlihy, Murphy, and Webersinn opposed; Bowditch abstained. Motion failed.

A motion was made by Joseph Herlihy to authorize the Assistant Attorney General to offer each licensee a Consent Agreement to include the following: (1) 1 year license suspension; (2) \$7500 fine; (3) Completion of all applicable qualifying education for each level of licensure including USPAP with exam, to be completed within the one year suspension period and can not be used for continuing education purposes; OR (4) Agree to permanent revocation of licenses; seconded by James Murphy. Bell, Charest, Herlihy, Murphy, and Webersinn voted in the affirmative; none opposed; Bowditch abstained. Motion carried.

Review and Action on Applications and Education

No new applications for review.

Correspondence

Letter from George E. Koutalakis: Members reviewed and acknowledged.

Appraisal Subcommittee Audit/Review

Denise Graves from the Appraisal Subcommittee reported the findings from their field review. Overall they found this Board to be above standard in its performance.

Next Meetings Scheduled:

August 2, 2005 – regular meeting
September 6, 2005 – regular meeting
September 13, 2005 – meeting with The Appraisal Foundation
October 4, 2005 – regular meeting
November 1, 2005 – regular meeting
December 6, 2005 – regular meeting

OTHER BUSINESS

The Board plans to discuss distance education at their next meeting.

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Theodore Webersinn commented on his last meeting day. The Board acknowledged his service and expertise to the Board.

ADJOURN

Being no further board business the meeting was adjourned at 3:15 p.m.

Respectfully submitted,

Susan Greenlaw
Board Clerk